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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 ROBERT ANTHONY SMITH,

10 Petitioner,

11 vs.

12 E. K. MCDANIEL, et al.,

13 Respondents.
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Case No. 3:08-CV-00335-RCJ-(RAM)


ORDER

15 Petitioner has submitted a motion to reopen case (#33), having exhausted his
16 available state-court remedies. Good cause appearing;

17 IT IS THEREFORE ORDERED that petitioner's motion to reopen case (#33) is
18 **GRANTED.** This action is **REINSTATED.**

19 IT IS FURTHER ORDERED that respondents shall have forty-five (45) days from
20 the date on which this order is entered to answer or otherwise respond to the first amended petition
21 (#20). If respondents file and serve an answer, then they shall comply with Rule 5 of the Rules
22 Governing Section 2254 Cases in the United States District Courts, and then petitioner shall have
23 forty-five (45) days from the date on which the answer is served to file a reply.

24 Dated: March 18, 2011

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27 ROBERT C. JONES
28 United States District Judge